

DOCKET NO.: CARP-0086

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Andrew P. Chapman and David J. King**

Serial No.: 09/719,045

Group Art Unit: 1644

Filed: **December 7, 2000**

Examiner: **David A. Saunders**

Title: **DIVALENT ANTIBODY FRAGMENTS**

EXPRESS MAIL LABEL NO. EV147 612 428US
DATE OF DEPOSIT: February 27, 2003

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

RESPONSE TO REQUEST FOR SPECIES ELECTION

This paper is being filed in response to the Office Action dated August 30, 2002, requesting that Applicants elect a species to which the claims will be restricted if no generic claim is found allowable. A shortened statutory period of one month was set for responding to the Office Action. Accordingly, this paper is accompanied by a petition for a five-month extension of time, and the appropriate fee.

The Office Action identified five allegedly distinct species as follows:

- A) divalent antibody fragment with a bridging polymer that is a straight or branched chain polyalkylene;
- B) divalent antibody fragment with a bridging polymer that is a polyalkenylene;
- C) divalent antibody fragment with a bridging polymer that is a polyoxyalkylene;
- D) divalent antibody fragment with a bridging polymer that is a branched polysaccharide; and

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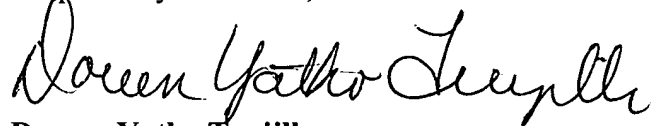
E) divalent antibody fragment with a bridging polymer that is an unbranched polysaccharide.

Applicants elect species "A" herein with traverse. In the Office Action, the Examiner indicated that claims 7-9 read on the species, and that claims 1-6 and 10-15 are generic. The claims readable on this species, thus, include claims 1-15.

Applicants respectfully disagree with the Examiner's assessment regarding the IPEA, however. The IPEA concludes that claims 6-9 involve inventive step because the "polymer referred to therein is PEG or a **related polymer**" (see IPEA, sheet 2, emphasis added). Accordingly, contrary to the Examiner's limiting reading of the IPEA, it appears that Applicants are entitled to **at least** species A-C if no generic claim is found allowable. Applicants request that the Examiner confirm the correct reading of the IPEA in the next action, as well as Applicants' entitlement to species A-C if no generic claim is found allowable.

Applicants respectfully submit that the above-identified application is now in condition for allowance and request early notification of the same.

Respectfully submitted,



Doreen Yatko Trujillo
Registration No. 35,719

Date: February 27, 2003

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